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Attorneys for Plaintiff
Courtney Mitchener

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

COURTNEY MITCHENER, individually and on behalf of all others similarly situated; Plaintiff, v. TALKSPACE NETWORK LLC, a New York limited liability company; DOES 1 through 25, inclusive Defendant.	Case No.: 2:24-cv-07067-JAK-BFM **DECLARATION OF ROBERT TAULER IN SUPPORT OF PLAINTIFF COURTNEY MITCHENER'S OPPOSITION TO DEFENDANT TALKSPACE NETWORK LLC'S MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11** <u>Hearing</u> Date: April 21, 2025 Time: 8:30 am Courtroom: 10C

DECLARATION OF ROBERT TAULER

I, Robert Tauler, declare:

1.   I am counsel of record for Plaintiff Courtney Mitchener. The facts set forth in this Declaration are true of my own knowledge, and if called upon to testify, I could and would testify as thereto.

2.   I am a partner at the law firm of Tauler Smith LLP, where I have practiced law for ten years. I previously practiced at large law firms like Baker Hostetler. I am a 2005 graduate of Harvard Law School and I have been practicing law for 19 years.

3.   Since 2023, I have focused my practice on internet privacy litigation, with a particular emphasis on data-sharing practices involving websites. I have been invited to speak at multiple conferences on the topic of privacy litigation.

INVESTIGATION INTO TALKSPACE AND TIKTOK

4.   I have serious concerns about the business model of TalkSpace. Based on my research, I believe that TalkSpace uses TikTok and other social media platforms to target vulnerable teenagers, steering them toward pharmaceutical products and paid mental health services.

5.   My concerns compelled me to conduct due diligence into TalkSpace's operations and affiliations before I drafted this complaint. I learned that a great deal of TalkSpace from their SEC disclosures in particular. A copy of Talkspace's most recent SEC disclosure's is attached as **Exhibit 1**.

6.   The SEC disclosures also state that Talkspace heavily emphasizes "higher member lifetime engagement" (Exhibit 1, pg. 2), which suggests Talkspace may be more incentivized to encourage treatment options which keep patients returning on a regular basis over options that do not require long-term appointments. Talkspace described this as "empowering" providers to "increase care continuity." (*Id.* at pgs. 4-5).   Making matters worse, Talkspace does this by using what they call a "fully-integrated data intelligence platform" that "suggests strategies" so that its providers may "extend the lifetime duration of [its] member base." (*Id.*)

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7.   I also believe Talkspace systems like its "Crisis Risk system" and "Session Highlights system," which monitor patient communications and alert providers to key risks are susceptible to being manipulated for questionable ends, just like any algorithm or AI driven model.

TikTok

8.   It is no secret that TikTok has been deemed a threat to our society. During my study of the TikTok Software I have developed a deep understanding of the way TikTok's embedded tracking software functions on third-party websites, including TalkSpace.com.

9.   My knowledge stems from public reports, academic papers, and my consultations with technical experts.

10.   One public report that I relied upon is from the Office of the Director of National Intelligence. This is attached as **Exhibit 2**. This report explains TikTok's potential role in foreign surveillance.

11.   Experts I have engaged in this and other cases have confirmed that TikTok's code collects user names, email addresses, IP addresses, device information, and browsing behavior.

12.   As an example, Attached as **Exhibit 3** is a report from another case explaining how the TikTok Software can collect names and email addresses.

13.   This fact has also been confirmed by opposing party experts in other cases. Attached as **Exhibit 4** is a report from an opposing expert in another case who concedes that the TikTok Software can collect names and email addresses.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. This declaration is executed on this 21st day of March, 2025, at Los Angeles, California.

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DECLARATION OF TAULER   2:24-cv-07067-JAK-BFM

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